

Comment on Proceeding 02-230: Digital Television Broadcast Flag

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I am strongly opposed to a requirement that digital television devices enforce a broadcast flag. Such a requirement is a severe, unnecessary, and unprecedented infringement of consumers' rights. It would make consumer electronics less functional and more costly, which would likely delay, rather than promote, the adoption of digital television by American consumers.

A broadcast flag requirement would do little to curtail piracy. Some people would still manage to obtain illegal devices and distribute television programs in an unrestricted format. Yet, most television viewers would suffer from restrictions on innocuous activities such as time-shifting, archiving, and video editing.

The restrictions of the broadcast flag requirement would be especially burdensome for computer hardware and software. It would be difficult for a TV tuner card to conform to such standards, and users would be unable to edit and transfer recordings. A broadcast flag would delay or prevent the convergence of television and computers.

A broadcast flag requirement is akin to a requirement that all cars read the speed limit and shut down if it is exceeded.

Any effort to prevent piracy should focus on actual piracy. Consumers should not be harmed.